

### **Remarks/Arguments**

Claims 1-62 are and will continue to be pending in this application upon entry of this amendment. No claims have been amended herein. A petition and fee for revival of an application for patent abandoned unintentionally under 37 C.F.R. § 1.137(b), a declaration under 37 C.F.R. § 1.131, and a petition and fee under 37 C.F.R. § 1.183 to waive the requirement that all inventors sign such a declaration are all enclosed herewith. It should be noted that the enclosed petition regarding waiver of signature requirement is directed to waiving the 131 declaration signature requirement for Inventor Douglas G. Smith. An additional inventor, Richard Norman, is not required to sign the 131 Declaration because he did not sign the declaration of inventorship and the original declaration of inventorship was accepted pursuant to 37 C.F.R. § 1.47, so no such petition is required for Mr. Norman. See M.P.E.P. § 715.04.

The Examiner continues to reject claims 1-27, 29-31, 33-35, 37-39, 41-43, 45, 47-54 and 56-60 under 35 U.S.C. §103(a) as being obvious in view of U.S. Patent No. 5,678,046 to Cahill et al. (“Cahill”), in combination with published U.S. Patent Application 2004/0148235 to Craig et al. (“Craig”) and further in combination with published U.S. Patent Application 2005/0033685 to Reyes. Applicants reiterate and fully maintain all of their previous arguments with respect to this rejection.

While Applicants maintain that the Examiner has failed to make out a *prima facie* case of obviousness under Section 103, Applicants submit that the enclosed declaration under 37 C.F.R. § 1.131 renders this rejection moot, since the declaration shows that Reyes does not qualify as prior art to the present application.

The Examiner has rejected claims 28, 32, 36, 40, 44, 46, 55, 61 and 62 under 35 U.S.C. §103(a) as being obvious in view of Cahill in combination with Craig, and further in combination with U.S. Patent 5,784,610 to Copeland, III et al. (“Copeland”). All of these claims are dependent from at least one of the claims discussed above. The Examiner in citing Reyes above, has implicitly admitted that the base claims are patentable over the combination of Cahill and Craig. Copeland is cited for teaching implicated only by elements recited in these dependent claims. As pointed out in the previous response, it is thus impossible under the Examiner’s reasoning for claims 28, 32, 36, 40, 44, 46, 55, 61 and 62 to be obvious in view of any combination of cited art that does not include Reyes. Applicants again assume the omission of

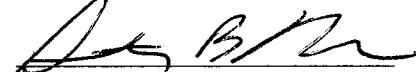
Reyes from the statement of rejection of these claims was an oversight. Therefore this rejection is also moot in view of the enclosed declaration under 37 C.F.R. § 1.131.

Applicants believe they have responded to the Examiner's concerns, and that the application is in condition for allowance. Reconsideration of this application as amended is hereby requested.

Respectfully submitted,

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